

## **REMARKS/ARGUMENTS**

### **Status of Application**

The Office Communication mailed July 15, 2005 rejected claims 16-18, 22-24, 29-32, 37 and 40-42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,409,602 to Wiltshire et al. (hereinafter "Wiltshire"). Claims 1, 2-4, 8-12, and 27-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiltshire in view of U.S. Patent No. 5,762,552 to Vuong et al. (hereinafter "Vuong"). Claims 5, 13, 19, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiltshire in view of Vuong and further in view of U.S. Patent No. 6,098,985 to Moody et al. (hereinafter "Moody"). Claims 6, 7, 14, 15, 20, 21, 26, 38, and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wiltshire in view of Vuong and further in view of U.S. Patent No. 6,089,982 to Holch et al. (hereinafter "Holch"). Claims 33-36 and 42 are cancelled without prejudice. Claims 1-32 and 37-41 are pending.

In view of the above amendments and the following remarks, reconsideration of the application is respectfully requested.

### **Claims 1-8**

Amended claim 1 is directed to a gaming system that includes at least three separate servers: a first gaming server that facilitates play of a first game, a second gaming server that facilitates play of a second game, and a separate website server that is capable of being operatively coupled to the first and second gaming servers. The first gaming server is programmed to facilitate play of a first game and the second gaming server is programmed to facilitate play of a second game. The first and second gaming servers are separate devices, each having their own controllers that include a processor and a memory. The third server device in the gaming system of claim 1, the website server, is also a separate device that includes its own controller with a processor and memory. The website server is programmed to perform a number of functions as recited in amended claim 1.

Wiltshire generally discloses a gaming system in a client/server configuration. The Wiltshire system utilizes a network interface 115 to connect a server/host computer 110 to client/terminal computers 120. *Wiltshire* Col. 5, lines 39-40. Nowhere in Wiltshire does it appear to disclose or suggest a system that is configured to divide functionality between three or more separate servers such as the system recited in amended claim 1. In particular, Wiltshire does not appear to disclose or suggest (1) the use of a website server, and (2) at least two separate gaming servers, where an appropriate gaming server of the two servers is selected by

the website controller based on a game selection transmitted by a player. It is respectfully submitted that Wiltshire does not appear to disclose any device nor make any suggestion that a device could be used to make a selection between two or more gaming servers based on a selection of a game from a player.

Furthermore, Wiltshire does not appear to disclose or suggest programming a website server controller to: (1) select logon display data and to cause the logon display data to be transmitted to one of a number of remote player devices; (2) cause player data received from a remote player device to be stored in memory; (3) cause data representing a game selection display to be transmitted to the remote player device; (4) receive data representing a game selection from the remote player device; (5) determine whether the data representing the game selection corresponds to a first game or a second game; (6) determine whether to select the first gaming server or the second gaming server based on the game selection received from the one remote player device; (7) select the first gaming server for data communication between the one remote player device and the first gaming server if the player selected the first game for play; and (8) select the second gaming server for data communication between the one remote player device and the second gaming server if the player selected the second game for play. While claim 1 of Wiltshire discloses that one or more server/host computers may be used, nowhere in Wiltshire does it appear to disclose or suggest dividing functionality between a separate website server and a first and a second gaming server based on a game selected for play by a player.

Vuong is directed to a network gaming system that is similar to Wiltshire. As with Wiltshire, Vuong does not appear to disclose or suggest dividing functionality between a separate website server and a first and a second gaming server based on a game selected for play by a player, as recited in amended claim 1. Thus applicant submits that it cannot be obvious to modify Wiltshire in view of Vuong to create the invention in claim 1 because neither reference discloses or suggests a system that divides functionality between a separate website server and a first and a second gaming server, based on a game selected for play by a player.

Thus, applicant submits that a *prima facie* case of obviousness does not exist with regard to amended claim 1 because there is no disclosure or suggestion in the cited references to modify or to combine them to achieve the invention claimed. As such, applicant submits that amended claim 1 and claims 2-8 which depend therefrom, are in condition for allowance.

#### **Claims 9-15**

Amended claim 9 is directed to a website server that is coupled to a plurality of remote player devices, wherein the website server is programmed to (1) determine whether data representing a game selection corresponds to a first game or a second game; (2) determine whether to select a first gaming server or a second gaming server based on the game selection received from the one remote player device; (3) select the first gaming server for data communication between the one remote player device and the first gaming server that facilitates play of the first game if the player selected the first game for play, and (4) select the second gaming server for data communication between the one remote player device and the second gaming server that facilitates play of the second game if the player selected the second game for play.

It is respectfully submitted that, similar to claim 1, neither Wiltshire nor Vuong appear to disclose programming a controller of a separate website server to: determine whether data representing a game selection corresponds to a first game or a second game; determine whether to select a first gaming server or a second gaming server based on the game selection received from the one remote player device; select the first gaming server for data communication between the one remote player device and the first gaming server that facilitates play of the first game if the player selected the first game for play, and select the second gaming server for data communication between the one remote player device and the second gaming server that facilitates play of the second game if the player selected the second game for play. Both Wiltshire and Vuong appear to utilize the same computer for all server functionality. Therefore, it is respectfully submitted that amended claim 9 and claims 10-15 which depend therefrom, are allowable over Wiltshire in view of Vuong.

#### **Claims 16-21**

Amended claim 16 is directed to a website server that is coupled to a plurality of remote player devices, wherein the website server is programmed to determine whether the game selection data representing the game selection corresponds to the first game or the second game; to determine whether to select a first gaming server or a second gaming server based on the game selection received from the one remote player device; to select the first gaming server for data communication between the one remote player device and the first gaming server that facilitates play of the first game if the game selection data specifies the first game, and to select the second gaming server for data communication between the one remote player device and the

second gaming server that facilitates play of the second game if the game selection data specifies the second game.

It is respectfully submitted that, similar to claim 9, Wiltshire does not appear to disclose programming a controller of a separate website server to: determine whether the game selection data representing the game selection corresponds to the first game or the second game; to determine whether to select a first gaming server or a second gaming server based on the game selection received from the one remote player device; to select the first gaming server for data communication between the one remote player device and the first gaming server that facilitates play of the first game if the game selection data specifies the first game, and to select the second gaming server for data communication between the one remote player device and the second gaming server that facilitates play of the second game if the game selection data specifies the second game. Moreover, it would not be obvious to modify Wiltshire in such a way as to come up with the unique combination of elements recited in amended claim 16. Therefore, it is respectfully submitted that amended claim 16 and claims 17-21 which depend therefrom, are not anticipated by Wiltshire.

#### **Claims 22-26**

Amended claim 22 is directed to a website controller that controls the operation of a website, the website controller including its own processor and memory operatively coupled to the processor. The memory of the website controller stores program portions that facilitate data communication between a remote player device and at least two separate gaming computers. The first gaming computer is separate from the website controller and is adapted to facilitate play of a first game if the first game is selected by a player and the second gaming computer is also separate from the website controller and is adapted to facilitate play of a second game if the second game is selected by a player. The memory of the website controller also stores program portions that determine whether the data representing the game selection corresponds to the first game or the second game and that determine whether to select the first gaming computer or the second gaming computer based on the game selection received from the remote player device.

It is respectfully submitted that Wiltshire does not appear to disclose a system that is configured to divide functionality between a website controller and at least two separate gaming computers such as the system recited in amended claim 22. In particular, Wiltshire does not disclose the use of a separate website controller that controls the operation of a website to facilitate data communication between a remote player device and at least two separate gaming

computers. More specifically, Wiltshire does not appear to disclose storing in a separate website controller's memory computer program portions that causes data prompting a game selection to be made to be transmitted to a remote player device to allow a first game or a second game to be selected via the remote player device, determine whether the data representing the game selection corresponds to the first game or the second game, nor determine whether to select the first gaming computer or the second gaming computer based on the game selection received from the remote player device.. Wiltshire appears to use the same Server/Host Computer (110) for all aspects of data transmission as well as for facilitating play of games selected by the remote players. Therefore, it is respectfully submitted that amended claim 22 and claims 23-26 which depend therefrom, are allowable over Wiltshire.

#### **Claims 27-28**

Similar to claim 22, amended claim 27 is directed to a method of operating a website computing apparatus that includes its own processor and memory and includes retrieving logon display data from a memory associated with the website computing apparatus and transmitting the logon display data from the website computing apparatus to a remote player device over the Internet. The method also includes facilitating data communication via the Internet between a remote player device and at least two separate gaming computers. The method also includes determining whether the game selection data representing the game selection corresponds to the first game or the second game, and determining whether to select a first gaming computer or a second gaming computer based on the game selection received from the remote player device. Nowhere in either Wiltshire nor Vuong do they appear to disclose or suggest using a separate website computing apparatus to facilitate data communication between a remote player device and one of at least two separate gaming computers.

Furthermore, Wiltshire and Vuong do not appear to disclose or suggest retrieving any type of data from a memory associated with a separate website computing apparatus, let alone retrieving logon display data from a memory associated with a separate website computing apparatus and transmitting the logon display data from the website computing apparatus to a remote player device over the Internet. Moreover, Wiltshire and Vuong do not appear to disclose or suggest determining whether the game selection data representing the game selection corresponds to the first game or the second game, and determining whether to select a first gaming computer or a second gaming computer based on the game selection received from the remote player device. Wiltshire appears to only disclose passing data from the server/host 110

through the network interface to the client/terminal 120 and passing data from the client/terminal 120 through the network interface to the server/host 110. Vuong appears to describe a similar structural arrangement. For the foregoing reasons, it is respectfully submitted that amended claim 27 and claim 28 which depends therefrom are in condition for allowance.

#### **Claims 29-32**

Similar to claim 27, amended claim 29 is also directed to a method of operating a website computing apparatus. The method includes initiating at the separate website computing apparatus the retrieval of game display data from a first gaming apparatus that facilitates play of a first game and initiating the retrieval of game display data from a second gaming apparatus that facilitates play of a second game. The method also includes determining at the website computing apparatus whether the game selection data representing the game selection corresponds to the first game or the second game, and determining at the website computing apparatus whether to select the first gaming apparatus or the second gaming apparatus based on the game selection data received from a player device.

It is respectfully submitted that Wiltshire does not appear to disclose a method of operating a website computing apparatus that includes initiating the retrieval of game display data from a first gaming apparatus that facilitates play of a first game if the game selection data represents the first game, which is performed at a separate website computing apparatus. Neither does Wiltshire appear to disclose initiating the retrieval of game display data from a second gaming apparatus that facilitates play of a second game if the game selection data represents the second game, which is also performed at the separate website computing apparatus. Nor does Wiltshire appear to disclose determining at the website computing apparatus whether the game selection data representing the game selection corresponds to the first game or the second game, nor determining at the website computing apparatus whether to select the first gaming apparatus or the second gaming apparatus based on the game selection data received from a player device. Therefore, it is respectfully submitted that claim 29 and claims 30-32 which depend therefrom, are allowable over Wiltshire.

#### **Claims 37-41**

Claim 37 is directed to a method of operating a gaming apparatus that includes transmitting first game display data from the gaming apparatus to a separate website computing apparatus. The method also includes receiving at the gaming apparatus wager data from the website computing apparatus that is included in a data communication having a source address

that specifies a particular player device that is remote from the website computing apparatus, transmitting second game display data from the gaming apparatus to the website computing apparatus that is included in a data communication having a destination address that specifies the player device, and transmitting outcome data from the gaming apparatus to the website computing apparatus that is included in a data communication having a destination address that specifies the player device.

At the outset, applicant notes that the rejection of claim 37 in the July 15 Office Action fails to address whether any of the limitations recited in the previous paragraph may be found in Wiltshire. As such, the July 15 Office Action fails to set forth a *prima facie* case of obviousness as to claim 37. On this basis alone, the rejection should be withdrawn.

However, applicant submits that, even if the allegations had been made that the particular limitations recited above can be found in Wiltshire, the rejection cannot stand. Applicant has reviewed Wiltshire, and has failed to find any disclosure, teaching or suggestion in regard to the limitations particularly recited above. For this reason as well, the rejection should be withdrawn. Thus, it is respectfully submitted that claim 37 and claims 38-41 which depend therefrom, are allowable over Wiltshire.

### Conclusion


In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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